

UPSC Mains Content Builder Series

Video 2



REGULATING SOCIAL MEDIA COMPANIES



Our Interests

- ▶ Citizens.
- ▶ Tech corporations like Google, Facebook, Twitter, Tik-Tok etc.
- ▶ GS II - Government policies and interventions for development in various sectors and issues arising out of their design and implementation.



Context

- ▶ Twitter's decision to **fact-check** Donald Trump.
- ▶ Trump signed an **executive order** that's intended to prevent US social media companies from censoring certain viewpoints.
- ▶ The choices that Twitter makes when it chooses to suppress, edit, blacklist or **shadow ban** are editorial decisions, pure and simple. In those moments, Twitter ceases to be a neutral public platform and become an editor with a viewpoint.

-President Trump



- ▶ The goal is to amend Communications Decency Act
- ▶ Under **Section 230** of the Communications Decency Act, the internet provider simply needs to make a “good faith” effort to take down the content after being notified of its existence.
- ▶ The executive order is bound to spark a legal battle between the Trump administration and social media companies.
- ▶ Stress points would be both Section 230 & the First Amendment, which prohibits the US government from suppressing free speech from private citizens and companies.



Court Rejects

- ▶ Court Rejected a Lawsuit Claiming Social Media Companies Suppress Conservative Voices.
 - ▶ You can't sue a social media company for violating the First Amendment (US Constitution).
 - ▶ The First Amendment is designed to stop the government from curtailing free speech, not private companies.
 - ▶ Under the First Amendment, the President has no power to constrain the free speech of a private company



Indian Context

- ▶ India's Supreme Court is hearing a case filed by Facebook that may decide whether WhatsApp, other messaging services providers, and social media companies can be forced to trace and reveal the identity of the originator of a message.
- ▶ SC asked for the rules to be framed by Govt.
- ▶ Controversial new rules by the Indian government could force Facebook, Twitter, YouTube etc. to reveal users' identities, approximately 400 millions such.
- ▶ The aim is for more accountability in social media as social media companies try to combat well perceived ills such as fake news, child pornography, misleading and hate speech



Govt. Rules to be Published Shortly

- ▶ In India, the rules impose wide-spread cooperation with the government, with no warrants or judicial orders required.
- ▶ For ex. companies such as YouTube or TikTok would be forced to help the government track down any post's origin within 72 hours if asked.
- ▶ They will have to keep records on file for 180 days at minimum to aid with potential government investigations,
- ▶ They'd have to establish brick and mortar offices in India to appoint a grievance officer who would act as a government liaison and handle complaints.



- ▶ India has 1.3 billion residents, and the rules would cover any social media app with more than 5 million users. There are approximately 500 million internet users in India.
- ▶ With moral responsibility of providing fair and unbiased social media, Singapore passed a tough **“Fake News Law” in 2020** to take down information perceived wrong on social media platforms. Does regulating social media equivalent to “gagging it” ?



Courtesy

- ▶ *BBC Online News*
- ▶ *PRS India*
- ▶ *PC Mag India*

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